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APPLICATION NO.	. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,140	04/12/2001		Peter Land	FRT-0004	1993
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Daniel F. Drexler 55 Griffin South Road Bloomfield, CT 06002				EXAMINER	
				SHERRER, CURTIS EDWARD	
				ART UNIT	PAPER NUMBER
				1761	0
				DATE MAILED: 06/04/2003	x

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner  Outs E. Sherrer  Art Unit  Outs E. Sherrer  Art Unit  Outs E. Sherrer  Art Unit  Art Unit  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Set 128 (2) MONTH (S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Set 128 (2) MONTH (S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Set 128 (2) MONTH (S) PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH (S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Set 128 (2) MONTH (S) PERIOD  Set 128 (2) MONTH (S) PER					ØC					
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Continue	•	Office Action Summan	09/834,140	LAND, PETER						
The MALIAND DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALIANG DATE OF THIS COMMUNICATION.  Eatherism for the many be evaluate under the previous at 3 CFR 1-136(a). In or event, however, may a reply be timely filled  Eatherism for many be solved under the previous at 3 CFR 1-136(a). In or event, however, may a reply be timely filled  If the period for reply specified above its less bank birty (30) slays, a reply with the statistic more interested to reply specified above, the maniform statistic propried vallage and vall agrics SIX (b) MONTH's from the maling date of this communication.  If the period for reply specified above, the maniform statistic propried vallage will agrics SIX (b) MONTH's from the maling date of this communication.  If the period for reply specified above, the maniform statistic propried vallage will vall provided by the commission of the communication.  If the period for reply specified above, the maniform statistic, cause the application to become ABANDONED (30 U.S.C. § 1130).  A propried for the communication (s) Fill of the communication to reply reduce any search specified and the communication.  Provincy reply received by the Office later than reflect the maniform of the communication to reply reduce any search specified and the communication.  Status  Status  Responsive to communication(s) filled on 03/04/03.  2a) Since this application is in condition for allowance except for formal malters, prosecution as to the merits is closed in accordance with the practice under £x partie Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 9-20 is/are pending in the application.  4) Claim(s) 9-20 is/are pending in the application.  4) Claim(s) 9-20 is/are rejected.  7) Claim(s) 10-20 is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing		Onice Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CR 1.15(e). In no event, however, may a reply be timely filed offers SIX (6) MONTHS from the mailing date of this communication of the provision of Claims  4)② Claim(s) 9-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5)□ Claim(s) 9-20 is/are allowed.  6)□ Claim(s) 9-20 is/are allowed.  6)□ Claim(s) 9-20 is/are allowed.  7)□ Claim(s) 9-20 is/are allowed.  8)□ Claim(s) 9-20 is/are allowed.  9)□ The specification is objected to by the Examiner.  Application Papers  9)□ The drawing(s) filed on 1 is/are: a)□ accepted or b)□ disapproved by the Examiner.  Application and are subjected to by the Examiner.  10)□ The drawing(s) filed on 1 is/are: a)□ accepted or b)□ disapproved by the Examiner.  11□ The proposed drawing correction filed on 1 is a)□ approved b)□ disapproved by the Examiner.  12□ The proposed drawing corrected filed on 1 is a)□ approved b)□ disapproved by the Examiner.  12□ The proposed drawing corrected filed on 1 is a)□ approved b)□ disapproved by the Examiner.  12□ The cath or declaration is objected to by the Examiner.  13□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3)□ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(d) or (f).  3)□ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  15□ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  16□ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional a		The MAILING DATE of this armount of								
Extractions of time may be available under the provisions of 37 CPR 1.15(d). In no event, however, may a reply be timely flied  If the period for reply specified above is less than thing (30) days, a neply within the statulary printing (40) than the period for reply specified above is less than thing (30) days, a neply within the statulary printing (40) than the mailing date of this communication.  If the period for reply specified above is less than thing (30) days, a neply within the statulary printing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) than the mailing date of this communication, even if thing (40) the communication and the mailing date of this communication.  1) Status  Responsive to communication (5) filed on 03/04/03.  2) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 9-20 is/are pending in the application.  4) Claim(s) 9-20 is/are pending in the application.  4) Claim(s) 9-20 is/are allowed.  5) Claim(s) 9-20 is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are allowed.  8) Claim(s) 9-20 is/are rejected to extract on the drawing(s) be held in abeyance. See 37 CFR 1.86(a).  11) The proposed drawings correction filed on is/are allowed.  11) The proposed drawings are required in reply to this Office action.  12) The coath or declaration is objected to by the Examiner.  13 approved, corrected drawing	Perioa 10	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 9-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 9-20 is/are allowed.  6) Claim(s) 9-20 is/are rejected.  7) Claim(s) is/are allowed.  8) Claim(s) 9-20 is/are rejected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10□ The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11□ The proposed drawing correction filed on is: a) approved b⟩ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12○ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b⟩ Some co None of:  1. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	<ul> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>									
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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is indefinite because the scope of the term "immediate" is unknown. Applicant responds by stating the term means "without delay." But this definition provides no further guidance as it is not clear what would constitute a delay. It is noted that Fig. 1 shows that the fluid must pass from the heater to the cooler via line 21 and therefore, based on the fluid velocity and the length of the pipe, there is some delay.

Claim 10 is indefinite because it is unclear how it further defines claim 9. Applicant responds that the calculation for PU relies on a temperature of 60C. Because no value (not even 60C) is found in either claim 9 or 10, it is not seen that claim 10 changes the scope of claim 9.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

<sup>(</sup>a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Stoutz (U.S. Pat No. 3,394,042)(hereinafter Stoutz) in view of applicants' admissions for the reason set forth in the last Office Action.

### Response to Arguments

Applicant's arguments filed 03/03/03 and 03/04/03 have been fully considered but they are not persuasive.

Applicant argues that Stoutz does not teach cooling after heating immediately or without delay. In response it is recognized that Stoutz's Fig. 5 (time/temperature graph) and applicant's Fig. 2 appear to be identical, i.e., the temperature reverses its rise without any negligible delay. In view of this fact, it is inherent that Stoutz anticipates the "immediate" limitation, as it is broadly interpreted.

Applicant also argues that the Stoutz process cannot be used to treat beer as UV is harmful to beer flavor. Applicant supplies no evidence to support this argument. It is noted that applicant does not exclude UV heating from the claims. It actually appears from a quick search of the patent literature (see for example, US 6514542, not supplied) that UV can benefit the flavor of beer.

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis E. Sherrer whose telephone number is 703-308-3847. The examiner can normally be reached on Tuesday-Friday, 8AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3602 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Curtis E. Sherrer

Primary Examiner

May 30, 2003